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In re Application of POLICICCHIO et al

U.S. Application No.: 09/831,480

Int. Application No.: PCT/US99/26579

Int. Filing Date: 09 November 1999

Priority Date: 09 November 1998

Attorney Docket No.: 7368

For: CLEANING COMPOSITION, PAD, WIPE,  
IMPLEMENT, AND SYSTEM AND METHOD  
OF USE THEREOF

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 14 June 2001.

### **BACKGROUND**

On 09 November 1999, applicants filed international application PCT/US99/26579, which claimed priority of an earlier United States application filed 09 November 1998. The twenty-month period for paying the basic national fee in the United States expired at midnight on 10 July 2000 (09 July 2000 was a Sunday).

International application PCT/US99/26579 became abandoned as to the United States at midnight on 10 July 2000 for failure to pay the basic national fee.

On 09 May 2001, applicants filed national stage papers with the United States Designated/Elected Office (DO/EO/US). The submission included, *inter alia*, authorization to charge the requisite basic national fee.

On 14 June 2001, applicants filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional."

On 19 June 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States for failure to pay the requisite basic national fee by twenty months from the priority date.

### **DISCUSSION**

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicants have provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicants have provided the required petition fee.

With regard to item (3), applicants have provided the required statement.

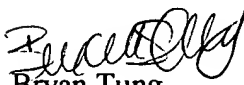
With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### **CONCLUSION**

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application has an international filing date of 09 November 1999 and a date under 35 U.S.C. 371 of 09 May 2001.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

  
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